

Chapter: Agency Management and Operations	<b>Effective Date: 12/1/16</b>  Page: 1 of 3  Replaces: GAP.385.8183, 11/1/11
Subchapter: Interaction with the Public	
<b>Rule: Advocacy, Support Group, and Social Services Provider Access</b>	
ACA: N/A	
Statutes: <a href="#">HR Code §242.056</a>	

## **RULE**

### **(a) Purpose.**

This rule establishes a process for allowing advocacy and support groups and social services providers to provide on-site information, support, and other services for youth confined in Texas Juvenile Justice Department (TJJD) residential facilities.

### **(b) Applicability.**

- (1) This rule applies to residential facilities operated by TJJD.
- (2) This rule does not apply to a youth's access to his/her personal attorney or personal clergy member in accordance with [§380.9311 of this title](#) and [§380.9317 of this title](#).

### **(c) Definitions.**

The following words and terms have the following meanings when used in this rule, unless the context clearly indicates otherwise:

- (1) **Advocacy or Support Groups**--organizations whose primary functions are to benefit children, inmates, girls and women, persons with mental illness, or victims of sexual assault.
- (2) **Social Services Providers**--organizations whose primary functions are to provide psychological, social, educational, health, and other related services to juveniles and their families.
- (3) **Confined**--placement in a residential facility.
- (4) **Confidential Setting**--a setting that provides for private conversation but is within the line of sight of a TJJD staff member who is authorized to provide sole supervision of youth.

### **(d) Registration Procedures.**

- (1) An advocacy or support group or social services provider must register with TJJD prior to providing on-site information, support, or other services to confined youth.
- (2) In order to register with TJJD, an advocacy or support group or social services provider must provide the following in a form and manner determined by TJJD:
  - (A) a copy of the articles of incorporation on file with the secretary of state or other official documentation showing the organization's primary purpose;
  - (B) contact information for the local program director(s);
  - (C) names of all persons employed by or otherwise officially representing the organization who would likely seek access to residential facilities under the provisions of this rule; and
  - (D) if 24-hour access to residential facilities is believed to be necessary to perform the organization's primary function, a written justification of the need for such access and the names of individuals representing the organization who perform the function for which 24-hour access is requested.

- (3) The TJJD division director with responsibility over volunteer services or his/her designee determines whether or not an organization qualifies as an advocacy or support group or social services provider as defined in this rule, and whether or not 24-hour access, if requested, is necessary to provide the organization's primary function.
- (4) A determination that an organization does not qualify as an advocacy or support group or social services provider under this rule, or a denial of a request for 24-hour access, must be in writing and may be appealed to the TJJD executive director or his/her designee. The appeal must be in writing and clearly state the reason the organization should be considered an advocacy or support group or social services provider under this rule or the reason that denial of 24-hour access would prevent the organization from effectively performing its primary function.
- (5) A person representing a registered advocacy or support group or social services provider is not permitted to provide information, support, or other services to youth in a confidential setting unless and until:
  - (A) TJJD conducts a background check pursuant to [§385.8181 of this title](#) and clears the person for such access; and
  - (B) the person signs appropriate confidentiality agreements concerning youth information and/or records.
- (6) A registered advocacy or support group or social services provider must provide immediate written notification to TJJD when a person who is registered with TJJD as a representative of the organization ceases to represent the organization.

**(e) General Provisions.**

- (1) A person who has been granted 24-hour access should provide reasonable advance notice of his/her intention to visit a facility to allow for security and confidentiality arrangements to be made. Lack of advance notice does not constitute grounds for denying entry.
- (2) A person who has not been granted 24-hour access may access residential facilities during youth waking hours. Such a person must provide at least 24-hour advance notice of his/her visit to the facility in order for security and confidentiality arrangements to be made. Visits with less than 24-hour advance notice will be accommodated when possible.
- (3) The security and confidentiality measures arranged by TJJD must not be designed to deny a registered advocacy or support group or social services provider access to youth.
- (4) A person who has been cleared for access and who has provided adequate advance notice, if required, will not be denied access to any residential facility unless, in the judgment of the facility administrator or designee, the circumstances existing at the time of the visit create an unacceptable risk to the safety of youth, staff, or visitors. If, upon arrival at a facility, a representative of an advocacy or support group or social services provider is denied entry due to unsafe conditions, the facility administrator or designee must provide written justification to the organization within three workdays. A youth's current placement in a security unit does not constitute an unacceptable safety risk that would prevent access by a registered group or provider, but may be taken into consideration with other factors in making a determination of the safety of the current circumstances.
- (5) A person who has been cleared for access must present picture identification at the entry point in order to gain access to the facility.
- (6) Members of advocacy or support groups or social services providers are subject to search upon entry to a residential facility in accordance with [§380.9710 of this title](#).
- (7) Under state law, any person, including a registered member of an advocacy or support group or social services provider who has cause to believe that a youth has been or may be adversely

affected by abuse, neglect, or exploitation has a legal obligation to report the matter in accordance with [§380.9333 of this title](#). The reporting requirement applies without exception to a person whose personal communications may otherwise be privileged.

- (8) Youth have the right to refuse a visit with an advocate or social services provider.
- (9) Advocacy and support groups and social services providers may file complaints regarding the security and privacy procedures arranged by a facility in accordance with [§385.8111 of this title](#).
- (10) Provisions of this rule may not be used to bypass the provisions of [§380.9312 of this title](#) regarding visitation procedures for family members of youth committed to TJJD.

(f) **Revocation of Access.**

- (1) TJJD may revoke the access of a representative of a registered advocacy or support group or social services provider, with written notice, when:
    - (A) the person has endangered the safety of youth or the security of the facility; or
    - (B) the person has violated a TJJD confidentiality agreement.
  - (2) Revocation of access may be appealed to the executive director or his/her designee. The appeal must be in writing and clearly state the reason the person's access should not be revoked.
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